



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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No. 129

Shillong, Monday, November 24, 2014,

3rd Agrahayana, 1936 (S. E.)

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## PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 24th November, 2014.

**No.LB.79/LA/2014/2.**—The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2014 introduced in the Meghalaya Legislative Assembly on the 24th November, 2014 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE MEGHALAYA STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2014.

A

Bill

*to provide for protection of livelihood of urban street vendors and to regulate street vending and for matters connected therewith or incidental thereto.*

*Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows:-*

## CHAPTER I PRELIMINARY

### Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
- (2) It extends to the urban areas of Meghalaya.
- (3) It shall be deemed to have come into force on and from the 10th November, 2014.
- (4) The provisions of this Act shall not apply to the land, premises and trains owned and controlled by the railways.
- (5) The Operation of this Act in the Shillong (Administered Areas) Municipality and other urban areas of Meghalaya shall be subject to the trading license issued by the Autonomous District Councils of Meghalaya wherever required.

### Definitions.

2. (1) In this Act, unless the context otherwise requires:-
  - (a) "Act" means the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
  - (b) "Government" means State Government of Meghalaya;
  - (c) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone;
  - (d) "Town Vending Committee" means the body constituted by the Government under Section 4;
  - (e) "local authority" means the Deputy Commissioner of the District;
  - (f) "notification" means a notification published in the Official Gazette;
  - (g) "planning authority" means a committee constituted District-wise by the State Government;
  - (h) "prescribed" means prescribed by rules made under this Act;
  - (i) "scheme" means schemes framed by the Government under section 3;
  - (j) "specified" means as specified by the scheme;
  - (k) "State Government" means the Government of the State of Meghalaya;
  - (l) "state nodal officer" means an officer designated by the State to co-ordinate all matters relating to urban street vending in the State.
  - (m) "street vendor" means a person engaged in vending of articles, goods, waters, food items or merchandise of everyday use or offering services to general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area or from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or

region specific; and the words “street vending” with their grammatical variations and cognate expression, shall be construed accordingly;

- (n) “vending zone” means an area or place or a location designated as such by the planning authority for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.
- (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law., if any, in force in that area.

## CHAPTER II SCHEME FOR STREET VENDING

### Power of the Government to frame notifications and schemes

3. (1) For the purposes of this Act, the Government shall notify and frame scheme which may specify all or any of the following;
  - (a) the form and manner of grant, renewal, suspension or cancellation of a registration certificate for, and issue of identity card to, the street vendors;
  - (b) *the* manner of levy and *collection* of *fees* for the grant and renewal of a registration certificate and fines for contravention of the terms and conditions of registration and other provisions of this Act;
  - (c) the form and manner of filing appeals to, and procedure for disposal of appeals by, the local authority in respect of registration of street vendors;
  - (d) the manner of, and the terms and conditions of, allotment of stalls to the registered street vendors;
  - (e) the form and manner of grant, renewal, suspension or cancellation of a license;
  - (f) the manner of levy and collection of fees for the grant and renewal of a license and fines for contravention of the terms and conditions of the license;
  - (g) the norms of spatial planning to be adopted by the planning authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;
  - (h) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;
  - (i) the conditions under *which* private *places may* be designated as restriction- free-vending zones, restricted-vending zones and no-vending zones;
  - (j) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of

experts for the purpose of accommodating street vendors within the holding capacity of the vending zones;

- (k) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;
  - (l) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;
  - (m) the manner of maintenance of proper records and other documents by the town vending committee, local authority, planning authority and State Nodal Officer in respect of street vendors;
  - (n) the manner of giving notice to, and eviction of, street vendors; impounding, destruction or seizure of stalls, goods and equipments and relocation of and compensation payable to evicted street vendors;
  - (o) any other particulars which may be considered by the Government as proper for including in the scheme;
- (2) A summary of the scheme/schemes notified by the Government under sub-section (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.

### CHAPTER III TOWN VENDING COMMITTEE

#### Constitution of Town Vending Committee

4. (1) The Government shall, in each local authority, constitute a town vending committee.
- (2) Each town vending committee shall consist of-
- (a) the Additional Deputy Commissioner or the Chief Executive Officer, Municipal Board as the case may be, who shall be the Chairperson; and
  - (b) such number of members as may be prescribed, to be nominated by the Government, representing the Government Departments, the Local Authority, the Planning Authority, Traffic Police, Local Police, Association of Street Vendors, Market Associations, Traders Associations, Local Dorbars, Nationalized Banks and such other interest as it deems proper:
- Provided that the number of members nominated to represent the Street Vendors shall not be less than two out of which at least one third of such members shall be from amongst women vendors:
- (3) The Chairperson and the members nominated under clause (b) of sub-section (2) shall receive such allowances as may be prescribed by the Government.
  - (4) The town vending committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure with regard to the transaction of business at its meetings, and in discharge of its functions, as may be prescribed.

**Town Committee  
may associate for  
assistance or advice**

5. (1) The town vending committee may associate with itself, in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.
- (2) A person so associated under sub-section (1) shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.
- (3) The person so associated under sub-section (1) shall be paid such allowances as may be prescribed.

**Town Vending  
Committee to  
constitute  
sub-committees  
  
Government may  
assign conferment  
to town vending  
committee**

6. The town vending committee may constitute, in such manner and for such purposes such number of sub-committees, as may be prescribed.
7. The Government may assign to the town vending committee, the following functions, namely, -
  - (a) grant, renew, suspend or cancel registration certificates to street vendors, in such form and manner, and on such terms and conditions, as may be specified;
  - (b) issue to the street vendors identity cards in such form and manner as may be specified;
  - (c) collect such fee for registration or renewal of registration of street vendors as may be specified;
  - (d) determine the manner of collecting fees through banks, counters of local authority or counters of town vending committee, fee for registration, usage of parking space for mobile stalls and availing of civic services, in consultation with local authority;
  - (e) identify and designate vending zones;
  - (f) specify timings for vending in vending zones;
  - (g) maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending in such manner as may be specified;
  - (h) conduct periodic surveys of vending zones;
  - (i) collect and maintain data regarding street vendors;
  - (j) determine quantitative norms for different categories of stationary and mobile stalls in the vending zones;
  - (k) assess and determine maximum holding capacity of each vending zone;
  - (l) identify and declare vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones in the manner specified;

- (m) fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings;
- (n) declare place and timings of vendors markets for weekly haats, night bazaars, holiday bazaars and festival bazaars;
- (o) ensure adequacy of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones;
- (p) monitor activities of street vendors;
- (q) ensure that the quality of products and services provided to the public and public health, hygiene and safety standards as specified by the local authority are maintained;
- (r) ensure that allotted stalls are utilised by the allottees in accordance with the terms and conditions specified;
- (s) specify the terms and conditions for issue, renew, suspension or cancellation of registration in the manner specified;
- (t) determine actions including imposition of fine for violating the terms and conditions for registration;
- (u) promote awareness regarding credit through institutional mechanisms;
- (v) determine norms for regulating the activities of street vendors;
- (w) determine terms and conditions for providing benefits of insurance maternity benefits, old age pension and other social security schemes to the street vendors in case of death, illness or disability;
- (x) lay down guidelines for organizing associations and self help groups of street vendors;
- (y) conduct training programmes for street vendors with a view to enlighten street vendors them with entrepreneurship, technical and business skills;
- (z) redress grievances and resolve disputes amongst the street vendors.

**Town Vending Committee to prepare and publish annual account committee**

8. The town vending committee shall prepare and publish its annual accounts statement in such form and manner as may be prescribed.

#### **CHAPTER IV REGISTRATION OF STREET VENDORS**

**Application for Registration of street vendors**

9. (1) Every person who has completed the age of 18 years and intends to do registration street vending shall make an application for registration as street vendor to the town vending committee.
- (2) Every application under sub-section (1) shall be made in such form and manner and accompanied by such fee as may be specified.

**Town vending committee to examine application**

10. (1) An application made under sub-section (1) shall be examined by the town vending committee and the registration made within such period, and in such manner, as may be specified:

Provided that on completion of specified period, if no response is received by the applicant about rejection or deficiencies in the application, the applicant shall be deemed to have been registered.

- (2) The town vending committee shall not summarily reject the application without giving the applicant an opportunity to rectify deficiencies, if any and hearing him.
- (4) If the town vending committee or the officer authorized by town vending committee, as the case may be, is satisfied that the application is in compliance with the provisions of this Act and the rules or schemes made there under, he shall register the name of the street vendor.
- (5) Any person aggrieved by the decision of the town vending committee under sub-section (3) may prefer an appeal to the local authority within such period, and in such manner, as may be specified.

**Local authority to give preference to registered street vendors**

11. (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones.
- (2) The allotment of stalls to the street vendors shall be made in such manner, and subject to such terms and conditions, as may be specified.

**Local authority to allot vending zone on payment of fees**

12. A registered street vendor to whom a stall has been allotted in a vending zone shall be granted a license and renewed from time to time by the local authority, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified.

## **CHAPTER V DUTIES OF LOCAL AUTHORITY**

**Responsibilities of local authority**

13. Notwithstanding anything contained in any other law for the time being in force, the local authority shall be responsible for;-
  - (a) overall supervision and monitoring of the Scheme for street vendors;
  - (b) monitoring effective functioning of the town vending committee;
  - (c) deciding appeals in respect of registration of street vendors in the manner specified;
  - (d) earmark space for vending zones in due consultation with the planning authority;
  - (e) allotting stalls to the street vendors in the manner specified;
  - (f) granting, renewal, suspension or cancellation of licence to the registered street vendors in the manner specified;
  - (g) providing, in consultation with the town vending committee, in the vending zones and to the street vendors, civic services, including:-
    - (i) solid waste disposal;
    - (ii) public toilets to maintain cleanliness;



- (iii) electricity;
- (iv) drinking water;
- (v) shelter to protect street vendors and their wares;
- (vi) storage facilities, beautification, placement of signage; and
- (vii) other facilities as may be needed by the street vendors and specified in the scheme;
- (h) determining, in consultation with the town vending committee, the manner of collecting, through banks, counters of local authority and counters of town vending committee, fee for registration, use of parking space for mobile stalls and availing of civic services;
- (i) undertake, in consultation with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of such experts and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones;
- (j) notify the entire database of street vendors on its website and update the same at regular intervals.

#### **CHAPTER VI DUTIES OF PLANNING AUTHORITY**

##### **Responsibilities of Planning Authority**

14. Notwithstanding anything contained in any other law for the time being in force, the planning authority shall be responsible for-
  - (a) determining spatial planning norms for street vending;
  - (b) monitor the functioning of the town vending committee with regard to the planning norms;
  - (c) amend the city or town master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones;
  - (d) demarcate vending zones specific to the requirements of the town or city;
  - (e) make spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be specified.
  - (f) discharge any other duty or duties which may be assigned to it by the Government from time to time.

#### **CHAPTER VII BREACHES OF CONDITIONS AND PENALTY**

##### **Cancellation or suspension in case of breach of conditions**

15. Where any street vendor who has been registered under this Act commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or



any rules or schemes made there under, or where the town vending committee is satisfied that such registration has been secured by the street vendor through misrepresentation or fraud, the town vending committee may, without prejudice to any other fine which may have incurred by the street vendor under this Act, cancel the registration or suspend the same for such periods as it thinks fit:

Provided that no -such cancellation or suspension shall be made by the town vending committee unless an opportunity of hearing has been given to a street vendor.

**Cancellation or suspension of registration in case of obtaining it by fraud**

16. Where any street vendor to whom a stall has been allotted or a licence has been granted under this Act or any agent or servant of such vendor commits a of breach of any of the conditions thereof, or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the local authority is satisfied that such allotment of stall or licence, as the case may be, has been secured by the street vendor through misrepresentation or fraud, the local authority may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the allotment of stall or licence, as the case may be, or suspend the same for such period as it thinks fit:

Provided that no such cancellation or suspension shall be made by the local authority unless an opportunity or hearing has been given to the street vendor.

**Penalties for vending without registration etc.**

17. If any street vendor-
- (a) indulges in street vending without registration;
  - (b) vends beyond the designated vending zones or specified timings;
  - (c) vends goods or offers services that are detrimental to public health;
  - (d) contravenes the terms and conditions of registration ;
  - (e) contravenes the terms and conditions of allotment of stall or licence; or
  - (f) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, he shall be liable to a penalty which shall not be less than rupees two hundred but which may extend to rupees one thousand, as may be determined by the town vending committee, or as the case may be, by the local authority.

## **CHAPTER VIII MISCELLANEOUS**

**Town committee to furnish returns to appropriate Government**

18. Every town vending committee shall furnish from time to time, to the Government and the local authority such returns as may be prescribed.

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|--|--|
| <b>Government to undertake promotional measures</b>  | 19. The Government may, in consultation with the town vending committee, local authority, planning authority and street vendors associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.  |
| <b>Government to develop and organize programmes</b> | <p>20. The Government may, to the extent of availability of financial and other resources-<i>fa</i>) develop and organize capacity building programmes for street vendors and on how to exercise the rights contemplated under this Act;</p> <p>(b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy in general and the street vendors in particular and to raise awareness among the public through town vending committees.</p>  |
| <b>Power to make bye-laws</b>                        | <p>21. Subject to the provisions of this Act or any rules or scheme made thereunder, the local authority may, with the approval of the Government, make bye-laws to provide for all or any of the following matter, namely: -</p> <p>(a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;</p> <p>(b) the regulation of the collection of taxes and fees in the vending zones;</p> <p>(c) regulation of traffic in the vending zones;</p> <p>(d) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;</p> <p>(e) the regulation of civic services in the vending zones; and</p> <p>(f) the regulation of such other matters in the vending zones as may be necessary.</p> |
| <b>Power to make rules</b>                           | <p>22. (1) The Government may, after consultation with the town vending committee, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely,-</p> <p>(a) the manner of publishing summary of scheme under sub-section (2) of Section 3;</p> <p>(b) the number of members under clause (b) of sub-section (2) of section 4;</p> <p>(c) the allowances to Chairperson and members under sub-section (3) of section 4;</p> <p>(d) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under sub-section (4) of section</p>  |

4 and Section 5;

- (e) the manner and purpose for which a person may be associated under sub-section (1) of section 5;
- (f) the allowance to associated person under sub-section (3) of section 5;
- (g) the other employees of town vending committee under section 6;
- (h) the form and manner for preparing and publishing annual accounts statement under section 8;
- (i) the returns to be filed under section 18.
- (3) Every rule, scheme and bye-law made under this Act shall, as soon as after it is made, be laid before the State Legislature of Meghalaya.

**Repeal and savings**

23. (1) The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Ordinance, 2014 is hereby repealed.
- (2) Notwithstanding such repeal, any action taken or purported to have been taken or anything done or purported to have been done under the Ordinance so repealed shall be deemed to have been taken or done under the corresponding provisions of this Act.

### **STATEMENT OF OBJECT AND REASONS**

With a view to provide protection of livelihood of urban Street vendors, the State Government has decided to frame a law to regulate the street vending and such matters related thereto.

Due to urgency an Ordinance has to be promulgated by the Hon'ble Governor of Meghalaya and the said Ordinance has to be replaced by a Bill.

Hence the Bill,

**Dr. AMPAREEN LYNDOH,**  
Minister In-charge  
Urban Affairs.

**H. MYLLIEMNGAP,**  
Secretary,  
Meghalaya Legislative Assembly.

### **FINANCIAL MEMORANDUM**

Certain expenditure will be involved from the Consolidated Fund of the State of Meghalaya for implementing the provision of the present enactment such as fees and remuneration of the members of the Town Vending Committee for preparing the scheme etc.

### **MEMORANDUM OF DELEGATED LEGISLATION**

Clause 22 empowers the local authority to make bye-laws, there is a rule-making provision for the State Government under section 22 of the Bill.

They are matters of detail and are of normal character.



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No. 130

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3rd Agrahayana, 1936 (S. E.)

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## PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 21st November, 2014.

**No.LB.75/LA/2014/13.**—The Contingency Fund of Meghalaya (Amendment) Bill, 2014 introduced in the Meghalaya Legislative Assembly on the 21st November, 2014 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE CONTINGENCY FUND OF MEGHALAYA (AMENDMENT) BILL, 2014.

A

Bill

further to amend temporarily the Contingency Fund of Meghalaya

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows:-

**Short title and  
Commencement**

1. (1) This Act may be called the Contingency Fund of Meghalaya (Amendment) Act, 2014.

(2) It shall be deemed to have come into force on and from the 13<sup>th</sup> August 2014.

**Amendment of  
Proviso to Section 2.  
of Meghalaya Act 5  
of 1972**

2. In section 2 of the Contingency Fund of Meghalaya Act, 1972 as amended, for the existing proviso, the following new proviso, shall be substituted, namely,--

“Provided that during the period beginning on the date of commencement of the Contingency Fund of Meghalaya (Amendment) Act, 2014 and ending the 31<sup>st</sup> March, 2015, this section shall have effect subject to the modification that for the words ‘ rupees one hundred and five crores’ the words ‘ rupees six hundred and five crores’ shall be substituted.”

**Repeal and saving  
Ordinance 2 of  
2014**

3. (1) The Contingency Fund of Meghalaya (Amendment) Ordinances, 2014 is hereby repealed.  
(2) Notwithstanding the repeal any action taken or anything done under the Ordinance so repealed shall be deemed to have been taken or done under the provisions of the Act.

**STATEMENT OF OBJECTS AND REASONS**

Advance from the Contingency Fund of the State are needed by various Department of the Government for various urgent and unforeseen expenditures. As the balance in the Fund is not enough, an Ordinance was promulgated by the Governor on the 11<sup>th</sup> day of August 2014 and published in the Gazette on 13<sup>th</sup> of August, 2014 to raise its corpus temporarily from rupees one hundred and five crores to rupees six hundred and five crores to cover the periods till the 31<sup>st</sup> March, 2015. The Ordinance has to be replaced by an enactment of the Assembly

**Dr. MUKUL SANGMA,**  
Chief Minister.

**H. MYLLIEMNGAP,**  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

An amount of ₹ 605 crores will be involved from the Consolidated Fund of the State for the purpose of the enactment.



**EXTRACT OF THE SECTION 2 OF THE CONTINGENCY FUND  
OF MEGHALAYA ACT, 1972**

**Establishment of  
of the Contingency  
Fund of Meghalaya**

2. There shall established a Contingency Fund in the nature an imprest to be entitled to the “Contingency Fund of Meghalaya” into which shall be paid from and out of the Contingency Fund of Meghalaya a sum of rupees one hundred and five crores.

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**STATEMENT AS REQUIRED UNDER RULE 69 (1) OF THE RULES OF  
PROCEDURE AND CONDUCT OF BUSINESS IN THE MEGHALAYA  
LEGISLATIVE ASSEMBLY EXPLAINING THE CIRCUMSTANCES  
WHICH HAS NECESSITATED IMMEDIATE LEGISLATION BY  
ORDINANCE.**

Under the provision of Article 267 (2) of the Constitution of India, the Legislature of Meghalaya by enacting “The Contingency Fund of Meghalaya Act, 1972” ‘established the contingency fund of Meghalaya’ having a permanent corpus of ₹.50,00,000. The Act of 1972 was amended from time to time and by the “Contingency Fund of Meghalaya (Amendment) Act, 2005” the corpus of ‘the Contingency Fund of Meghalaya’ thereby, was augmented by raising the corpus of the Fund to ₹.105,00,00,000.

To meet the additional and unforeseen expenditure by different Departments for the remaining period of the current financial year, 2014-15, the Hon’ble Governor promulgated “the Contingency Fund of Meghalaya (Amendment) Ordinance, 2014” (2 of 2014) on 11<sup>th</sup> August 2014 and published on 13.8.2014 because the Legislative Assembly was not in Session at that time by temporarily raising the corpus to ₹ 605 crores. The Ordinance has to be replaced by a Bill

**Dr. MUKUL SANGMA,**  
Chief Minister.



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GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 24th November, 2014.

**No.LB.78/LA/2014/3.**—The Meghalaya Police (Amendment) Bill, 2014 introduced in the Meghalaya Legislative Assembly on the 24th November, 2014 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE MEGHALAYA POLICE (AMENDMENT) BILL, 2014

A

Bill

further to amend the Meghalaya Police Act, 2010.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows:-

**Short title and commencement.**

1. (1) This Act may be called the Meghalaya Police (Amendment) Act, 2014.

(2) It shall come into force at once.

**Amendment of Section 36.**

2. In Section 36 of the Meghalaya Police Act, 2010, in sub-section (1) -

(i) in clause (f), the words “as its Member-Secretary; and” shall be omitted;

(ii) after the existing clause (f) the following new clause (g) shall be inserted, namely, -

“(g) Member Secretary to the State Security Commission to be appointed by the State of Meghalaya from officers at the level of Additional Director General of Police or above, preferably in the HAG+ scale of pay, and”.

(iii) the existing clause (g) shall be renumbered as clause (h).

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**STATEMENT OF OBJECT AND REASON**

State Security Commission deals with very important functions such as -

- (a) Frame broad policy guidelines for promoting efficient, effective, responsive, accountable, impartial, honest, professional and citizen-friendly policing, in accordance with the law;
- (b) Prepare a panel of five police officers for the rank of Director General of Police against prescribed criteria in accordance with the provisions of Section 6 of chapter-II;
- (c) Lay down broad policy guidelines so that the State police always acts according to the laws of the land and the Constitution of the country;
- (d) Give directions for performance of preventive tasks and service-oriented functions of the police;
- (e) Ensure that the State police is not subjected to any unwarranted pressure or influence;
- (f) Identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter-alia*, include: operational efficiency, public satisfaction, victim satisfaction *vis-a-vis* police investigation and response, accountability, impartiality, honest policing, courteous behavior, optimum utilization of resource, and observance of human rights standards;
- (g) Evaluate organizational performance of the Police Service in the state as a whole as well as district-wise against (i) the annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police;
- (h) The Commission shall also functions as a forum of appeal for disposing of representation from officers of the rank of Additional Superintendent of Police and above, regarding their promotion, or their being subjected to illegal or regular orders.

At present the DGP is the Member Secretary of the State Security Commission but it is humanly impossible for the DGP to devote his full attention to the function of the State Security Commission. The Government has examined and after examination felt necessary to have a full time officer at the level of Additional Director General of Police or above, preferably in the HAG+ scale of pay as Member Secretary to the State Security Commission by amending clause (f) of sub-section (1) of Section 36 of the Meghalaya Police Act, 2010 including insertion of new clause (g) and the existing clause (g) will be renumbered as clause (f). DGP is also a Member of the State Security Commission.

Hence the Bill,

**ROSHAN WARJRI,**  
Minister Home.

**H. MYLLIEMNGAP,**  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

The Bill will invoke expenditure from the Consolidated Fund of the State.



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 132

Shillong, Monday, November 24, 2014

3rd Agrahayana, 1936 (S. E.)

## PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 14th August, 2013.

No.GDC-L/8/Pt.II/2013/. -Whereas the Garo Hills Autonomous District Council is not in Session.

**The Assam and Meghalaya Autonomous District (Constitution of District Council) (Garo Hills Autonomous District Council Amendment) Rules, 2013.**

Whereas it is expedient further to amend the provisions of the Assam and Meghalaya Autonomous District (Constitution of District Council) Rules, 1951 as amended;

Whereas the Government of Meghalaya in the District Council Affairs Department in their letter No.DCA.17/2013/5 dt.29<sup>th</sup> April, 2013 have intimated to bring the about an amendment to Appendix V of Rule 130 (1) and (2) of the Assam and Meghalaya Autonomous District (Constitution of District Council) Rules, 1951 as amended as follows:-

**1. Short title, extent and commencement:-**

(1) These rules may be called the Assam and Meghalaya Autonomous District (Constitution of District Council) Garo Hills Autonomous District(Amendment) Rules, 2013.

(2) They shall extend the whole of Garo Hills Autonomous District.

(3) They shall come into force at once.

**2. Amendment of Rule 130:- (1) In Rule 130 of the Assam and Meghalaya Autonomous District (Constitution of District Council) (Garo Hills District Council Amendment) Rules, for the existing Appendix V of Rule 130 (1), the following shall be constituted:-**

**Appendix -V**

Constituencies	Returning Officer	Other persons authorized to perform the functions of Returning Officer.
1. All Constituencies in East Garo Hills District.	Deputy Commissioner, East Garo Hills, Williamnagar.	Additional District Magistrate, Senior Extra Assistant Commissioner, Extra Assistant Commissioner at Williamnagar.
2. All Constituencies in West Garo Hills District.	Deputy Commissioner, West Garo Hills, Tura.	Additional District Magistrate, Senior Extra Assistant Commissioner, Extra Assistant Commissioner at Tura.
3. All constituencies in South Garo Hills District.	Deputy Commissioner, South Garo Hills, Baghmara.	Additional District Magistrate, Senior Extra Assistant Commissioner, Extra Assistant Commissioner at Baghmara.
4. All Constituencies in North Garo Hills District.	Deputy Commissioner, North Garo Hills, Resubelpara.	Additional District Magistrate, Senior Extra Assistant Commissioner, Extra Assistant Commissioner at Resubelpara.
5. All Constituencies in South West Garo Hills District.	Deputy Commissioner, South West Garo Hills, Ampati.	Additional District Magistrate, Senior Extra Assistant Commissioner, Extra Assistant Commissioner at Ampati.

**A. A. SANGMA,**

Chief Executive Member,  
Garo Hills Autonomous District Council,  
Tura.